



THE CITY OF NEW YORK
LAW DEPARTMENT

MICHAEL A. CARDODOZ
Corporation Counsel

100 CHURCH STREET
NEW YORK, NY 10007

Qiana Smith-Williams
Assistant Corporation Counsel
qwilliam@law.nyc.gov
(212) 788-1580
(212) 788-9776 (fax)

May 12, 2009

BY ECF

Honorable Eric N. Vitaliano
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: William Prosper, et al. v. City of New York, et al., 08 CV 3269 (ENV)(RLM)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the defendants in the above-referenced matter. Attached please find a duly executed Stipulation and Order of Settlement and Dismissal for Your Honor's endorsement and filing.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Qiana Smith-Williams".
Qiana Smith-Williams (QS 2172)
Assistant Corporation Counsel

Encl.

cc: Michael Scolnick, Esq. (By ECF)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x

WILLIAM PROSPER, MALIK FARMER, KENNETH FREDERICK, FELIX VASQUEZ, DAQUAN WALKER, JOSE RODRIGUEZ, ASHANTE CALLENDER, EDWIN VALDEZ, KUMAR SINGH, LUIS PACHECO, and LAMEL CARTER,

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

08 CV 3269 (ENV)(RLM)

Plaintiffs,

-against-

CITY OF NEW YORK, Police Commissioner RAYMOND KELLY, Police Capt. SCOTT HENDERSON, Dep. Insp. JOHN H. BAMBURY, and police officers LOUIS G. MORSELLI, EDWARD PASZEL, DILSON ABREU, MICHAEL McCREADY, JARD E. SANTANGELO, EDWIN LaPORTE, JOSEPH RISO, and "JOHN DOEs" ONE through TWELVE", names being fictitious, true names being unknown to plaintiffs, persons intended being supervisors and officers present at, and involved in, the arrest of plaintiffs,

Defendants.

----- x

WHEREAS, plaintiffs William Prosper, Kenneth Frederick, Felix Vasquez, Daquan Walker, Jose Rodriguez, and Ashante Callender, commenced this action on or about August 14, 2008, by filing a complaint alleging, *inter alia*, violations of their state law rights and civil rights pursuant to 42 USC § 1983; and

WHEREAS, via a Stipulation to Amend Complaint, so Ordered by United States Magistrate Judge Roanne L. Mann on March 20, 2009, the complaint was amended to add plaintiffs Edwin Valdez, Kumar Singh, Luis Pacheco, and Lamel Carter; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

WHEREAS, plaintiffs have authorized their counsel to settle this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff **WILLIAM PROSPER** the sum of **TWENTY THOUSAND (\$20,000.00) DOLLARS**, plaintiff **KENNETH FREDERICK** the sum of **TWENTY THOUSAND (\$20,000.00) DOLLARS**, plaintiff **FELIX VASQUEZ** the sum of **TWENTY THOUSAND (\$20,000.00) DOLLARS**, plaintiff **DAQUAN WALKER** the sum **TWENTY THOUSAND (\$20,000.00) DOLLARS**, plaintiff **JOSE RODRIGUEZ** the sum of **TWENTY THOUSAND (\$20,000.00) DOLLARS**, plaintiff **ASHANTE CALLENDER** the sum of **TWENTY THOUSAND (\$20,000.00) DOLLARS**, plaintiff **EDWIN VALDEZ** the sum of **TWENTY THOUSAND (\$20,000.00) DOLLARS**, plaintiff **KUMAR SINGH** the sum of **TWENTY THREE THOUSAND (\$23,000.00) DOLLARS**, plaintiff **LUIS PACHECO** the sum of **TWENTY THOUSAND (\$20,000.00) DOLLARS**, and plaintiff **LAMEL CARTER** the sum of **TWENTY THOUSAND (\$20,000.00) DOLLARS** in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiffs agree to the dismissal of all the claims against the defendants City of New York, Raymond Kelly, Scott Henderson, John Bambury, Louis Morselli, Edward Paszel, Dilson Abreu, Michael McCready,

Jared Santangelo, Edwin LaPorte, and Joseph Riso, and to release all defendants and all present and former employees and agents of the City of New York and the New York City Police Department from any and all liability, claims, or rights of action that have or could have been alleged by plaintiffs in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

3. Each plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

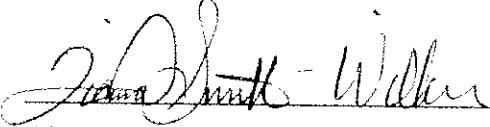
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
April 15 2009

MICHAEL SCOLNICK, P.C.
Attorney for Plaintiffs
175 Burrows Lane
Blauvelt, New York 10913
(845) 354-9339

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 3-149
New York, New York 10007
(212) 788-1580

By: 
Michael R. Scolnick, Esq. (MS9984)

By: 
Qiana Smith-Williams (QS2172)
Assistant Corporation Counsel

SO ORDERED:

ERIC N. VITALIANO, U.S.D.J.